1017

1951-52

File No. 3248/48 (2)

P.W DEPARTMENT

F BRANCH

B CLASS

(18)

Subject:—

Notice of one month
prior to resignation

B[K]-1952

V

File No. 3248/48 (2) - F. Br.

Gen. Secn. Slip 91 A

Std. Sectt. 78 a.

G.R., G. D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 3248/48 (2)

P.V DEPT.

F BRANCH.

References :— ~~original file is sent to Maharashtra~~

Annexure from the original file B[M]

Date.	To whom sent.	Notes and instructions.

No.EP(I) 25023.
Electric Grid Officer,
Mercantile Bank Building, Fort,
Bombay 1 :, 31st August 1951.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Notice of one month prior to resignation.

.....

I enclose a copy of the blank form of letter issued to the intended appointed in this Department and a copy declaration to be signed by him at the time of his appointment in accordance with paragraph 88 of the Public Works Department Manual. This form has been in use with us for a long time and has been evolved after the model of appointment letters issued general the terms and conditions of service, while the latter impose a specific condition on him to give a month's notice before resigning or surrender a month's emoluments in case of failure on his part to give a month's notice.

While there is a general harmony in the provisions of both these forms there is a difficulty in the part which refers to the giving of notice before and after the probationary period. The Accountant Gneral, Bombay, in the course of his audit has observed some omissions in both these forms and wants me to get an authoritative ruling on the folowing points.

(1) That it is not clear, if the declaration signed by the incumbent at the time of his appointment would have an overriding effect on the condition of appointment during probationary period or the latter over the former.

(2) That an express provision in the appointment letter for discharge of temporary.....

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temporary servants during the probationary period with 24 hours' notice is only unilateral and applicable to the Department

(3) That there is no provision in the conditions of appointment for extension of probationary period. (A copy of the Accountant General's letter is enclosed).

While I am indicated inclined to accept the Accountant General's views in general, I am not quite in favour of amending the conditions of appointment at this stage. My views on the points raised are as follows:-

(i) That the obtaining of declaration in the prescribed form immediately an incumbent joins may not perhaps be correct. When the termination of services during the probationary period can be without notice, the declaration cannot be effective during that period. The declaration will become signed only when the incumbent is confirmed in the post.

(ii) While there is an express provision in the appointment letter by which employer can do away with the services of the employee without notice during probation, it has to be held that there is an implied provision by which employee can also quit service at equally a short notice during that period; otherwise the ends of justice cannot meet.

(iii) To my knowledge it is nowhere laid down in rules that temporary servants should be on probation for an initial period. Administrative convenience demands that a person's conduct, character and work should be judged before he is admitted into the regular

cadre.....

cadre of establishment. Based on this accepted principle, the probationary period is conceded to temporary employees in this Department and once this is done, it automatically provides for an extension also to afford longer time to judge a person's conduct, character and working. The appointment letter sets out 3 months in first instance which by good reason leaves scope for reasonable extension by a fresh order.

Except the fact that the declaration form should be got signed simultaneously the confirmation order is issued to the employee, the rest of items, in my opinion, should remain unaltered unless Government decide otherwise.

I, therefore, request you to kindly issue an authoritative ruling in the matter after consulting the Political and Services Department as required by the Accountant General.

Early orders are requested.

Sd/-B.K.R.Prasad. 31/8/51.
Chief Engineer.

Encl: As above.

True copy,

G. K. Subramaniam,

Superintendent,
P.W.D. SECTT.

No.3248/48-F.

Public Works Department,
Bombay Castle (Bombay No.1)
7th December 1951.

To

The Superintending Engineers of Circles.

The Public Health Engineer to Government.

The Electrical Engineer to Government.

Subject:- Notice of one month prior to resignation.

..

In enclosing herewith a copy of letter No.EP(I)/25023, dated the 31st August 1951 from the Chief Engineer, Bombay Electric Grid, on the above subject, I am directed to request you to offer your remarks at an early date.

By order of the Governor of Bombay,

Id/-..

1012.51.

((S.W.Iyer)

Assistant Secretary to the Government of Bombay, Public Works Department.

D.A.- Copy of letter referred to.

Copy to the Chief Engineer, Bombay Electric Grid, with reference to his letter No.EP(Misc)/3210[illegible] dated the 14th November 1951, for information.

No.E,
Electric Grid Offices,
Mercantile Bank Building,
Fort, Bombay 1: 195

To,

Dear Sir,

With reference to your application dated I have to inform you that you have been appointed to the post of a Junior Engineer ( ) on terms and conditions mentioned below:-

1. Your appointment will be on Rs. p.m. in the scale of Rs.80-5-100-8-140-E.B.-10-220-E.B.-10-270 plus deaness allowance admissible at such rate as may be sanctioned by Government from time to time. Present rate of dearness allowance is Rs. p.m. You will not be eiligible for further increments over Rs. except with Government sanction.

2. You may have to serve under the Electric Grid Department anywhere in the Province of Bombay. You will be eligible for House Rent Allowance and Compensatory Local Allowance where-ever admissible.

3. You will be on probation for three months in the first instance and if your work and conduct are not found satisfactory, your services will be terminated without notice during the period of probation. After the probationary period, the appointment can be terminated at any time without assigning any reasons therefor by one month's notice on eitherside.

4. The post is temporary in the first instance.

5. You will have to sign an undertaking in the form enclosed.

6.....

6. You will be subject to New Leave Rules of 1935, applicable to new entrants into Government service.

7. For other conditions of service you will be subject to such rules and regulations as are applicable to similar service within the rule making control of the Government of Bombay.

8. No travelling allowance or any other kind of allowance is admissible for joing the first appointment.

9. The appointment is subject to your being declared physically fit for Government service by the Presidency Surgeon, Bombay, or the Civil Surgeon of the District as may be specified.

10. You are requested to join the appointme... as early as possible. The pribable date, which should in no case be later than by which you will be able to join the appointment, should please be reported immediately. If you fail to reply or report for duty by the above-mentioned date, this letter of appointment should be treated as cancelled.

11. You will/have to take the oath of a allegiance to the Republic of India.

12. You should report for duty at to the

13. You will be required to pass one of the following Hindi Examination within 3 years from the date of your appointment as prescribed in Government Resolution, Political and Services Department No.2541/54 dated 1st September 1951.

(i) The Pravin Examination of the Maharashtra Rashtra Bhasha, Sabha, Poona.

(ii) The Vinit Examination(Fourth Examination) of the Gujarat Vidyapith, Ahmedabad.

iii) The Quabil Examination conducted by the Hindustani Prachar Sabha, Wardha and Bombay. (iv)....

(iv) The Praveshika, i.e. the Fourth Grade Examination of the Dakshina Bharata Hindi Prachar Sabha as conducted by the Karnatak Hindi Prachar Sabha, Dharwar.

Your appointment is strictly subject to presentation before the authority you report to, of all the original certificates and testimonials substantiating your alleged qualifications and experience in the application at the time of joining your appointment.

Yours faithfully,

For Chief Engineer.

Copy to:-

1. Pay Bill Clerk.
2. Section.
3. Executive Engineer (Civil) Karad/Nadiad.
4. Assistant Engineer (Civil) Surat/Ratnagiri

(1) The applicant should present the original degree/diploma certificates before him at the time of joining appointme

He should verify thi and submit the details to Head Office along with the arrival report.

(2) He also claims about years' experience which may plea be verified and a report submitted to head office.

ckk

DECLARATION.

(To be signed by employees on the Temporary Establishment on the Public Works Department as required by Rule 88 of the Bombay Public Works Department Manual) Vol. II.

....

I hereby declare that I clearly understand that my employment in the office of the Engineer as on the Temporary Establishment is on the footing of monthly servant, and carries with it absolutely no claim to pension or to any absentee allowances, beyond those conditionally given to temporary employees under the Bombay Civil Services Rules Manual or any orders on the subject issued by Government from time to time.

2. If dismissed otherwise than for serious misconduct before the completion of the work, I will be entitled to a month's notice or a month's say in lieu of notice but otherwise, with or without notice, my employment terminates when the work ends. If I desire to resign my appointment, I will be required to give a month's notice of my intention to do so, or forefeit a months' pay in lieu of such notice.

Dated 195.

Witness.

Dated 195

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3248/48/46893.

F.Br. P.W.D.

The C.E., B.E.G., has raised a question about the form to be used in respect of temporary peraons employed under the Electric Grid. The sample form at present used in the Electric Grid and the declaration form to be signed by employees on the temporary establishment will be found at pp.69-73 ante. The C.E., B.E.G. has raised certain points in connection with form which was in use in the Electric Grid and has commented specifically. The C.E., B.E.G. has expressed his own opinions in respect of each of the items mentioned by the A.G. and has pointed out that specific orders of Govt. amy be obtained in cons ultation with P.& S.D. as required by the A.G. The objections faised by the A.G., Bombay and observations made by the C.E.,BEG., thereon are incorporated in the statement attached. In G.L. No.3248/48-F, dated 7th Dec. 1951, the local office were requested to offer their remarks on the proposal made by the C.E., BEG. It is clear that none of them uses the form which is at present used by the C.E.,B.E.G The main objection raised by the A.G. in connection with the form was with reference to the ordinary probationary period, which appears in para. 3 of the sample form. The local officers have observed that it is not necessary to make a mentionnt of the probationary period at all. In this connection the S.E., S.C., has explained point specifically wherein he has observed that, in his opinion there should be no probationary period for persons on temporary establishment as, according to

the.....

the conditions of service, they are liable to be discharged on one month's notice at any time. It has also been observed by the S.E.,S.G.C., that so far as the probationers are concerned, there was no such case in the S.G.C. nor was there any occasion in the past to terminate a probationer's services. According to Note 5 below Rule 9(16)(a) of B.C.S.Rs., Vol. I, the status of a probationer is to be considered as having the attributes of a substative status except where rules prescribe otherwise. The view taken by the S.E., S.C., and the S.E., S.G.C., appear to have great force and if, as rightly observed by a majority of the local officers, para. 3 of the sample form relating to the probationary period in the case of temporary establishment is deleted, there will be neither difficulty nor necessity of examining and revising the form at present curfent in the Electric Grid. The best solution, therefore, appears to be to delete para.3 of the sample form ~~relating-to-the-probationary-period-in-case-of temporary-establishment-is-deleted,-there-will-be neither-difficulty-nor-necessity-of-examining and-revising-the-form-at-present-current-in the-Electric-Grid.-The-best-solution,-therefore, appears-to-be-to-delete-para.3-of-the-sample-form~~ and renumber the remaining paras. The objects raised by the A.G., Bombay, will then automatically disappear and the question need not be discussed ruther. If this view is accepted, the C.E., B.E.G., will be informed accorindgly.

Id/-

26.5.52.

With...

With the proviso of terminating service by one month's notice, there appears no objection to delete para. 3 as proposed above.

Id/-
27.5.52. Dpy. Secy.

The words"in the first instance" in para 2 p.27 hereby indicate ~~exi~~ that the probationary period can be extended. The point raised has no substance. This condition should remain.

Id/-

27.5.52.

3248/48/46893.

Letter. P.W.D.

No.3248/48.F. B.C.(Bombay No.1), 4th June 52.

To

The C.E., Bombay El. Grid,

Sub: Notice of one month's prior to ~~information~~ resignation.

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Reference: your Letter No.EP(I)/25023, dated the 31st Aug. 1951.

2. The view expressed by you in your letter under reference is correct.

By order etc.

Sd/-
2.6.52

Asstt. Secy. to the Govt. of Bombay,
P.W.D.